

FIRST CALLED SESSION

By

Wentworth

H.B. No. 110

A BILL TO BE ENTITLED

AN ACT

relating to the inclusion of the services of certain audiologists, speech-language pathologists, and fitters and dispensers of hearing aids in health insurance coverage.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (B), Section 2, Chapter 397, Acts of the 54th Legislature, 1955 (Article 3.70-2, Vernon's Texas Insurance Code), as amended by Chapters 706 and 875, Acts of the 70th Legislature, Regular Session, 1987, is amended to read as follows:

(B) No policy of accident and sickness insurance shall make benefits contingent upon treatment or examination by a particular practitioner or by particular practitioners of the healing arts hereinafter designated unless such policy contains a provision designating the practitioner or practitioners who will be recognized by the insurer and those who will not be recognized by the insurer. Such provision may be located in the "Exceptions" or "Exceptions and Reductions" provisions, or elsewhere in the policy, or by endorsement attached to the policy, at the insurer's option. In designating the practitioners who will and will not be recognized, such provision shall use the following terms: Doctor of Medicine, Doctor of Osteopathy, Doctor of Dentistry, Doctor of Chiropractic, Doctor of Optometry, Doctor of Podiatry, Audiologist, Speech-language Pathologist, Doctor in Psychology, Certified Social

1 Worker--Advanced Clinical Practitioner, Licensed Dietitian, [and]  
2 Licensed Professional Counselor, and Licensed Hearing Aid Fitter  
3 and Dispenser.

4 For purposes of this Act, such designations shall have the  
5 following meanings:

6 Doctor of Medicine: One licensed by the Texas State Board of  
7 Medical Examiners on the basis of the degree "Doctor of Medicine";

8 Doctor of Osteopathy: One licensed by the Texas State Board  
9 of Medical Examiners on the basis of the degree of "Doctor of  
10 Osteopathy";

11 Doctor of Dentistry: One licensed by the State Board of  
12 Dental Examiners;

13 Doctor of Chiropractic: One licensed by the Texas Board of  
14 Chiropractic Examiners;

15 Doctor of Optometry: One licensed by the Texas Optometry  
16 Board;

17 Doctor of Podiatry: One licensed by the State Board of  
18 Podiatry Examiners;

19 Audiologist: One with a master's or doctorate degree in  
20 audiology from an accredited college or university and who is  
21 licensed by the State Committee of Examiners for Speech-Language  
22 Pathology and Audiology [~~certified-by-the-American-Speech-language~~  
23 ~~and-Hearing-Association~~];

24 Speech-language Pathologist: One with a master's or  
25 doctorate degree in speech pathology or speech-language pathology  
26 from an accredited college or university and who is licensed by the  
27 State Committee of Examiners for Speech-Language Pathology and

1 Audiology [~~certified--by--the-American-Speech-language-and-Hearing~~  
2 ~~Association~~];

3 Doctor in Psychology: One licensed by the Texas State Board  
4 of Examiners of Psychologists and certified as a Health Service  
5 Provider;

6 Certified Social Worker--Advanced Clinical Practitioner: One  
7 certified by the Texas Department of Human Services as a Certified  
8 Social Worker with the order of recognition of Advanced Clinical  
9 Practitioner;

10 Licensed Dietitian: One licensed by the Texas State Board of  
11 Examiners of Dietitians; [and]

12 Licensed Professional Counselor: One licensed by the Texas  
13 State Board of Examiners of Professional Counselors; and

14 Licensed Hearing Aid Fitter and Dispenser: One licensed by  
15 the Texas Board of Examiners in the Fitting and Dispensing of  
16 Hearing Aids.

17 SECTION 2. Sections 1 and 3, Article 21.52, Insurance Code,  
18 as amended by Chapters 706 and 875, Acts of the 70th Legislature,  
19 Regular Session, 1987, are amended to read as follows:

20 Sec. 1. DEFINITIONS. As used in this article:

21 (a) "health insurance policy" means any individual, group,  
22 blanket, or franchise insurance policy, insurance agreement, or  
23 group hospital service contract, providing benefits for medical or  
24 surgical expenses incurred as a result of an accident or sickness;

25 (b) "doctor of podiatric medicine" includes D.P.M.,  
26 podiatrist, doctor of surgical chiropody, D.S.C. and chiropodist;

27 (c) "doctor of optometry" includes optometrist, doctor of

1 optometry, and O.D.;

2 (d) "doctor of chiropractic" means a person who is licensed  
3 by the Texas Board of Chiropractic Examiners to practice  
4 chiropractic;

5 (e) "licensed dentist" means a person who is licensed to  
6 practice dentistry by the State Board of Dental Examiners;

7 (f) "audiologist" means a person who has received a master's  
8 or doctorate degree in audiology from an accredited college or  
9 university and is licensed by the State Committee of Examiners for  
10 Speech-Language Pathology and Audiology [~~certified-by-the-American~~  
11 ~~Speech-language-and-Hearing-Association~~];

12 (g) "speech-language pathologist" means a person who has  
13 received a master's or doctorate degree in speech-language  
14 pathology from an accredited college or university and is licensed  
15 by the State Committee of Examiners for Speech-Language Pathology  
16 and Audiology [~~certified--by--the--American--Speech-language--and~~  
17 ~~Hearing--Association--to--restere--speech--less-or-correct-a-speech~~  
18 ~~impairment~~];

19 (h) "certified social worker--advanced clinical  
20 practitioner" means a person who is certified by the Texas  
21 Department of Human Services as a certified social worker with the  
22 order of recognition of advanced clinical practitioner;

23 (i) "licensed dietitian" means a person who is licensed by  
24 the Texas State Board of Examiners of Dietitians; [and]

25 (j) "licensed professional counselor" means a person who is  
26 licensed by the Texas State Board of Examiners of Professional  
27 Counselors; and

1           (k) "licensed hearing aid fitter and dispenser" means a  
2 person who is licensed by the Texas Board of Examiners in the  
3 Fitting and Dispensing of Hearing Aids.

4           Sec. 3. SELECTION OF PRACTITIONERS. Any person who is  
5 issued, who is a party to, or who is a beneficiary under any health  
6 insurance policy delivered, renewed, or issued for delivery in this  
7 state by any insurance company, association, or organization to  
8 which this article applies may select a licensed doctor of  
9 podiatric medicine, a licensed dentist, or a doctor of chiropractic  
10 to perform the medical or surgical services or procedures scheduled  
11 in the policy which fall within the scope of the license of that  
12 practitioner, a licensed doctor of optometry to perform the  
13 services or procedures scheduled in the policy which fall within  
14 the scope of the license of that doctor of optometry, a licensed  
15 ~~[an]~~ audiologist to measure hearing for the purpose of determining  
16 the presence or extent of a hearing loss and to provide aural  
17 rehabilitation services to a person with a hearing loss if those  
18 services or procedures are scheduled in the policy, a licensed  
19 speech-language pathologist to evaluate speech and language and to  
20 provide habilitative and rehabilitative services to restore speech  
21 or language loss or to correct a speech or language impairment if  
22 those services or procedures are scheduled in the policy, a  
23 certified social worker--advanced clinical practitioner to provide  
24 the services that fall within the scope of the license of such  
25 certified practitioner and which are specified as services within  
26 the terms of the policy of insurance, including the provision of  
27 direct, diagnostic, preventive, or clinical services to

1 individuals, families, and groups whose functioning is threatened  
2 or affected by social or psychological stress or health impairment,  
3 if those services or procedures are scheduled in the policy, a  
4 licensed dietitian including a provisional licensed dietitian under  
5 a licensed dietitian's supervision to provide the services that  
6 fall within the scope of the license of that dietitian if those  
7 services are scheduled in the policy, [or] a licensed professional  
8 counselor to provide the services that fall within the scope of the  
9 license of that professional if those services are scheduled in the  
10 policy, or a licensed hearing aid fitter and dispenser to perform  
11 the services or procedures scheduled in the policy that fall within  
12 the scope of the license of that practitioner if those services or  
13 procedures are scheduled in the policy. The services of a  
14 certified social worker--advanced clinical practitioner or licensed  
15 professional counselor that are included in this Act may require a  
16 professional recommendation by a doctor of medicine or doctor of  
17 osteopathy unless the health insurance policy terms do not require  
18 such a recommendation. The payment or reimbursement by the  
19 insurance company, association, or organization for those services  
20 or procedures in accordance with the payment schedule or the  
21 payment provisions in the policy shall not be denied because the  
22 same were performed by a licensed doctor of podiatric medicine, a  
23 licensed doctor of optometry, a licensed doctor of chiropractic, a  
24 licensed dentist, a licensed [an] audiologist, a licensed  
25 speech-language pathologist, a certified social worker--advanced  
26 clinical practitioner, a licensed dietitian, [or] a licensed  
27 professional counselor, or a licensed hearing aid fitter and

1 dispenser. There shall not be any classification, differentiation,  
2 or other discrimination in the payment schedule or the payment  
3 provisions in a health insurance policy, nor in the amount or  
4 manner of payment or reimbursement thereunder, between scheduled  
5 services or procedures when performed by a doctor of podiatric  
6 medicine, a doctor of optometry, a doctor of chiropractic, a  
7 licensed dentist, a licensed [an] audiologist, a licensed  
8 speech-language pathologist, [er] a certified social  
9 worker--advanced clinical practitioner, a licensed dietitian, [er]  
10 a licensed professional counselor, or a licensed hearing aid fitter  
11 and dispenser which fall within the scope of his license or  
12 certification and the same services or procedures when performed by  
13 any other practitioner of the healing arts whose services or  
14 procedures are covered by the policy. Any provision in a health  
15 insurance policy contrary to or in conflict with the provisions of  
16 this article shall, to the extent of the conflict, be void, but  
17 such invalidity shall not affect the validity of the other  
18 provisions of this policy. Any presently approved policy form  
19 containing any provision in conflict with the requirements of this  
20 Act shall be brought into compliance with this Act by the use of  
21 riders and endorsements which have been approved by the State Board  
22 of Insurance or by the filing of new or revised policy forms for  
23 approval by the State Board of Insurance.

24 SECTION 3. This Act takes effect November 1, 1989, and  
25 applies only to a health insurance policy that is delivered, issued  
26 for delivery, or renewed on or after March 1, 1990. A health  
27 insurance policy that is delivered, issued for delivery, or renewed

1 before November 1, 1989, is governed by the law that existed at the  
2 time that the policy was delivered, issued for delivery, or  
3 renewed, and that law is continued in effect for that purpose. A  
4 health insurance policy that is delivered, issued for delivery, or  
5 renewed after October 31, 1989, but before March 1, 1990, is  
6 governed by the law that existed immediately before the effective  
7 date of this Act and that law is continued in effect for that  
8 purpose.

9 SECTION 4. The importance of this legislation and the  
10 crowded condition of the calendars in both houses create an  
11 emergency and an imperative public necessity that the  
12 constitutional rule requiring bills to be read on three several  
13 days in each house be suspended, and this rule is hereby suspended.



H. B. No.

110

By

Wentworth

## A BILL TO BE ENTITLED

## AN ACT

relating to the inclusion of the services of certain audiologists, speech-language pathologists, and fitters and dispensers of hearing aids in health insurance coverage.

JUN 29 1989

1. Filed with the Chief Clerk.

JUL 5 1989

2. Read first time and Referred to Committee on

Insurance3. Reported \_\_\_ favorably (as amended) and sent to Printer at \_\_\_  
(as substituted)

4. Printed and distributed at \_\_\_

5. Sent to Committee on Calendars at \_\_\_

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote)  
(Record Vote of \_\_\_ yeas, \_\_\_ nays, \_\_\_ present, not voting).7. Motion to reconsider and table the vote by which H.B. \_\_\_ was ordered  
engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of \_\_\_ yeas,  
\_\_\_ nays, and \_\_\_ present, not voting).8. Constitutional Rule requiring bills to be read on three several days suspended (failed  
to suspend) by a four-fifths vote of \_\_\_ yeas, \_\_\_ nays, and \_\_\_  
present, not voting.9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote  
of \_\_\_ yeas, \_\_\_ nays, \_\_\_ present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. \_\_\_ was finally passed  
prevailed (failed) by a (Non-Record Vote) (Record Vote of \_\_\_ yeas, \_\_\_  
nays, and \_\_\_ present, not voting).

12. Ordered Engrossed at \_\_\_

13. Engrossed.

14. Returned to Chief Clerk at \_\_\_

15. Sent to Senate.

\_\_\_\_\_  
Chief Clerk of the House

16. Received from the House

17. Read, referred to Committee on \_\_\_\_\_

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read  
first time.

20. Ordered not printed.

21. Regular order of business suspended by

(a viva voce vote.)

( \_\_\_ yeas, \_\_\_ nays.)

\_\_\_\_\_ 22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

\_\_\_\_\_ 23. Read second time \_\_\_\_\_ passed to third reading by:  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

\_\_\_\_\_ 24. Caption ordered amended to conform to body of bill.

\_\_\_\_\_ 25. Senate and Constitutional 3-Day Rules suspended by vote of \_\_\_\_\_ yeas,  
\_\_\_\_\_ nays to place bill on third reading and final passage.

\_\_\_\_\_ 26. Read third time and passed by  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

OTHER ACTION: OTHER ACTION:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_ 27. Returned to the House.

\_\_\_\_\_ 28. Received from the Senate (with amendments.)  
(as substituted.)

\_\_\_\_\_ 29. House (Concurred) (Refused to Concur) in Senate (Amendments) (Substitute) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

\_\_\_\_\_ 30. Conference Committee Ordered.

\_\_\_\_\_ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

\_\_\_\_\_ 32. Ordered Enrolled at \_\_\_\_\_